

Article 2: Administrative Code

Division 2: The City Manager

§22.0201 Authority, Department Organization

The City Manager shall have authority within any office or department under his control, to organize such divisions, bureaus, or other operating units, in addition to those prescribed by the Charter or by ordinance, and may assign work to them, as may be necessary or convenient for the proper conduct of the work of the office or department. Offices, departments, divisions, or bureaus established by ordinance, may not be abolished except by ordinance and powers and duties conferred or assigned by ordinance may not be transferred elsewhere except by ordinance. The Manager may assign to an office, department, division, or bureau, duties in addition to those assigned by ordinance.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0202 Authority, Discipline

The City Manager, except as otherwise provided by Charter or ordinance, shall appoint and may, in accordance with the provisions of Sections 30 and 129 of the City Charter, dismiss, suspend, and discipline all officers and employees in the administrative service under his control.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0203 Annual Reports

It shall be the duty of the City Manager to prepare and present to the Council on or before the first day of January of each year, an annual report of the affairs of the City and such other reports as the Council may require or as he may deem advisable. For the purpose of the preparation of such annual report, it is hereby made the duty of the head of every commission, board, department, and the office of the City government, not under the control of the City Manager to furnish to the City Manager, on or before the first day of November of each year, a comprehensive report of the activities and affairs of such commission, board, department or office for the past year, such report to contain, in addition to all other matter, any information specifically requested by the City Manager.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0204 Work Programs

In order that City Manager may be fully advised as to all activities being carried on or planned by the City as a whole, for the fiscal year, the head of every commission, board, department or office not under the jurisdiction and control of the City Manager, shall, immediately after the adoption of the Annual Appropriation Ordinance, submit to the City Manager in such form and detail as he may require, a work program for the ensuing fiscal year, which program shall disclose all expenditures contemplated for operation and maintenance, and for the acquisition of property.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0205 Authority, Investigation

The City Manager, when authorized by resolution of the Council, shall have power, either by himself or any other officer or person, designated for the purpose by him, to investigate and to examine or inquire into the affairs or operations of any commission, board, department, division, office, or employee, not under his direct control, and when so authorized by the Council shall have power to employ consultants and professional counsel to aid in such investigation, examination, or inquiry.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0206 Transfer of Duties

Whenever in the ordinances of The City of San Diego it is provided that anything shall be done or may be done by an officer therein designated by a title which no longer exists, as used therein, the duty or authority to do such thing shall rest upon such officer as may be designated by ordinance or, as to departments under the control of the City Manager; by order of the City Manager, as the successor in such duty or authority of the officer originally referred to.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0208 Filling Vacancy

Whenever the office of the City Manager is vacant, the duties thereof shall be performed, until a City Manager is appointed, by the person designated by the Council to perform such duties. The designation of such person shall be made by the Council by resolution, at the first regular or special meeting of the Council held after the office of City Manager shall have become vacant. Whenever such person is performing the duties of the office of the City Manager, he shall be known as the Acting City Manager. Any such designation shall be deemed to be revoked whenever

another like designation is made by the Council. The office of the City Manager shall be deemed to be vacant during such period as the City Manager may, pursuant to Section 27 of the Charter, be suspended pending a hearing and final vote on his removal.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-258 N.S. adopted 6-28-1933.)

§22.0220 Real Estate Assets Department

Except as otherwise directly provided by the City Charter, all of the administrative functions and duties which relate to the activities of the City in connection with City-owned real estate, the leasing, sale, purchase and transfer of real property, the securing and acquisition of rights of way and easements, the maintenance of contact with the office of County Tax Collector for the purpose of securing information regarding property which may be sold because of delinquent taxes and which may be desired by the City for public use, the performance of administrative functions in connection with the work of the City Attorney in condemnation proceedings, the keeping of records of the investigation and checking of concessionaires to ensure compliance with leases and concession agreements, the preparation and maintenance of rental invoices, the checking of rental payments due in conformance with the terms and provisions of leases and concession agreements, the inspection and arrangement and programming for periodic inspection of properties of the City to ensure and assure a satisfactory and economical maintenance thereof, the analysis and inspection of forms of insurance policies, the investigations and determinations of the amounts and types of insurance coverage required, the maintenance of records and the making of recommendations to the departments concerned regarding and concerning insurance of the City properties, the review of all City-owned real property including the management of unimproved properties not presently needed for use for City properties, and the recommendation to the proper department concerned of property no longer needed for City use, the management and control of Pueblo Lands and other unimproved City properties which are not now needed or used for regular municipal activities, are, with the approval of the City Manager, the responsibility of the Real Estate Assets Department.

(Retitled to "Real Estate Assets Department" and amended 3-7-1994 by O-18042 N.S.)

§22.0221 Real Estate Assets Director

The Real Estate Assets Department shall be under the direct supervision of a Real Estate Assets Director, who shall be appointed by the City Manager, and who shall have the active and direct control and supervision of all activities, functions, and duties of said Real Estate Assets Department, subject to the supervisory control of the City Manager.

The Real Estate Assets Director shall also perform such other related functions, activities and duties as may be assigned from time to time by the City Manager.
(Retitled to "Real Estate Assets Department" and amended 3-7-1994 by O-18042 N.S.)

§22.0227 City Manager to Provide Budget Estimates Forms

The City Manager shall, on or before the first day of March of each year, deliver to the head of every commission, board, department or office not under his jurisdiction or control, an adequate number of forms upon which the annual budget estimates of such commission, board, department or office shall, pursuant to Section 69 of the Charter, be submitted to the Manager.
(Renumbered from Section 22.0801 on 4-15-1996 by O-18283 N.S.)

§22.0228 Preparation of Annual Budget; Library Appropriation

In preparing the budget required by Section 69 of the Charter, the City Manager shall include a proposed appropriation for general library operation, maintenance and supplies for the San Diego Public Library System, as follows:

- (a) For Fiscal Year 2002, an amount equal to at least 4-1/2% of the proposed General Fund budget for Fiscal Year 2002;
- (b) For Fiscal Year 2003, an amount equal to at least 5% of the proposed General Fund budget for Fiscal Year 2003;
- (c) For Fiscal Year 2004, an amount equal to at least 5-1/2% of the proposed General Fund budget for Fiscal Year 2004;
- (d) For Fiscal Year 2005, and for each Fiscal Year thereafter, an amount equal to at least 6% of the proposed General Fund budget for each such Fiscal Year.
- (e) If the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services necessary for preserving the health, safety, and welfare of the citizens, the City Manager may ask the City Council to temporarily suspend compliance with this Section. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year.

The City Council, in considering the passage each year of the Annual Appropriation Ordinance pursuant to Section 71 of the Charter, shall consider this proposed appropriation and shall make any appropriation for general library operation,

maintenance and supplies in accordance with Council Policy 100-19.
(Amended 4-1-2003 by O-19163 N.S.)

§22.0229 Preparation of the Annual Budget: Mission Bay Park and Other Regional Park Improvements

Subject only to the obligation of the City Council to annually adopt a budget and annual appropriation ordinance for the City pursuant to the City Charter or to conflicting requirements arising from the City's tideland trustee responsibilities for management of Mission Bay Park tidelands as mandated in Public Resources Code section 6306, the City Manager, in preparing the budget required by San Diego Charter section 69, shall include a proposed appropriation for Mission Bay Park improvements to a separate fund known as the Mission Bay Improvement Fund and shall also include a proposed appropriation for improvements to other *San Diego Regional Parks* to a separate fund known as the Regional Park Improvement Fund, as follows:

- (a) For purposes of this Section, the terms:

Excess Lease Revenues collected within Mission Bay means the amount by which annual lease revenue collected from leases of City-owned property within Mission Bay Park exceeds \$20 million dollars. The term does not include Transient Occupancy Taxes, Sales Taxes, Property Taxes, or any other revenues.

San Diego Regional Parks means Balboa Park, Mission Trails Regional Park, Otay River Valley Park, San Diego River Park, Multiple Species Conservation Program open space areas, and coastal beaches along with coastal parks contiguous thereto.

Defined terms appearing in this Section are indicated by italics.

- (b) The Mission Bay Improvement Fund shall be used only for permanent public capital improvements and deferred maintenance of existing facilities in Mission Bay Park pursuant to the Mission Bay Park Master Plan, as that plan may be amended from time to time. Capital improvements on Fiesta Island and South Shores shall be given priority. The City Manager shall include in his annual proposed budget that the Mission Bay Improvement Fund be funded with an amount equal to 25 percent of the annual *Excess Lease Revenues collected within Mission Bay*. However, in no event shall the City Manager's proposed budget include an allocation to the Mission Bay Improvement Fund exceeding \$2,500,000 in any fixed year.

- (c) The Regional Park Fund shall be used only for permanent public capital improvements, planning, deferred maintenance, and land acquisitions for *San Diego Regional Parks*. It is the intent of the City Council that allocation and ultimate appropriation of the funds in the Regional Park Fund for specific projects shall be equitably distributed over the effective term of this ordinance to Balboa Park, Mission Trails Regional Park, Otay River Valley Park, San Diego River Park, Multiple Species Conservation Program open space areas, and coastal beaches along with coastal parks contiguous thereto. The City Manager shall include in his annual proposed budget that the Regional Park Fund be funded with an amount equal to 25 percent of the annual *Excess Lease Revenues collected within Mission Bay*. In no event shall the City Manager's proposed budget include an allocation to the Regional Park Fund exceeding \$2,500,000 in any fiscal year.
- (d) The City Manager shall comply with this Section for a period of ten years commencing with the Fiscal Year 2004 budget and terminating with the Fiscal Year 2013 budget.
- (e) During the effective term of this Section, if the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services, the City Manager may ask the City Council to temporarily suspend compliance with this Section for the upcoming fiscal year. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year. Compliance with this Section is not intended to abrogate or alter the duties, obligations, and prerogatives of the City Council in the preparation and passage of the Annual Appropriation Ordinance pursuant to San Diego Charter section 71.

(Added 10-21-2002 by O-19113 N.S.)